IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 4690 of 2005

Between:

1. Swamy Enterprises (sway Water)

D. No. 61-22/4-17, Ramalingeshwar

Nagar, Vijayawada-13, Rep. by
Seetha Ramaiah S/o Venkata Ratnam
2. Vijaya Water (Vijaya Pure Drinking Water),

H. No. 52-1/4-11, Verernary Colony,

Vijayawada-8, Rep by G. Raghavendra Rao

S/o babu Rajendra Prasad
3. Kasturi Aqua Industries (Yamuna Water)

Sultanagaram, Machilipatnam Mandalm

Krishna District, Rep. By S.Siva Ramakrishna

S/o Pulendhara Rao
4. Laxmi Saraswathi Company (Sterling Water),

H. No. 23-7-44, Girish Street,

Satyanarayanapuram, Vijayawada-11

Rep. by D.V. Rama Raju S/o Anjeneya Raju
5. Indira Kiladri Beverages (Relax Water),

H. No. 15-78, M.P. Road N. H. 9 Gollapudi,
Vijayawada-12 rep by Ch. Nagamalleshwari

W/o K. Ramesh
6. Sri Anjali Breverages, Plot No. 1-5,

New Patrika Colony, Azith singh Nagar,

Vijayawada, Rep. by Katari Venkata

Murali Krishna S/o Ravinder Rao

..... PETITIONERS

AND

1. The Commissioner,

Municipal Corporation,

Vijayawada, Krishna District

2. The Local Health Authority

and Municipal Health Officer,

Municipal Corporation of Vijayawada
Krishna District
3. The Sanitary Inspector,

Municipal Corporation of Vijayawada

Krishna District
4. The Gazetted Food Inspector,

Machiliptanam, Krishna district

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the notice issued by the respondents herein, whereunder the water units of petitioners NO. 1 and 2 were put under seal by proceedings dated 2-3-2005 and also to declare the action of the respondents in not permitting the petitioners 3 to 6 to carry on their business on the

ground that the petitioners failed to obtain BIS Certificate to run the units is illegal, arbitrary and in violation of principles of natural justice, and pass such other order or orders in the circumstances of the case

Counsel for the Petitioner: MR.A.PRABHAKAR RAO

Counsel for the Respondent No.: G.JHANSI

The Court made the following :

ORDER:

The case of the petitioners is that they established water plaint and selling water, drawing the same from underground and after removing its hardness, in containers like barrels, tanks, buckets and in tankers at a competitive price of Rs.1.00 per bucket.

It is averred that by notification dated 21.3.2001 published in official gazette 21.3.2001declared packaged drinking water as food for the purpose of Prevention of Food Adulteration Act, 1954. While so, the respondents 2 and 3 visited the water units of the petitioners 1 and 2 on 2.3.2005, under the orders of first respondent dated 25.2.2005 and put a seal on the unit on the ground that the water unit is being run without obtaining BIS certificate.

It is the contention of the petitioners that neither they are manufacturing nor engaged in the process of packaging drinking water or Mineral water, Rules 28 and 29 of the Rules, does not come into play. It is further submitted that the respondents are not allowing the other petitioners to run the business. Therefore, filed the present writ petition.

While issuing notice before admission on 10.3.2005, this court directed that the respondent shall remove the seal put by them on the premises of the petitioner and shall not take any action against the

petitioners, as long as they do not sell any packaged wager. It is further ordered that it shall be open to the respondents to take necessary action, in case the petitioners are found to be selling any water in packaged form.

After hearing both the counsel, without further dwelling on merits of the case, suffice it to make the interim order as the final order in this writ petition. Accordingly, the interim order passed on 10.3.2005 is made as the final order and the writ petition is disposed of. No order as to costs.

Elipe Dharma Rao, J.

July 11, 2005

MAS.

To

1. The Commissioner,

Municipal Corporation,

Vijayawada, Krishna District
2. The Local Health Authority

and Municipal Health Officer,

Municipal Corporation of Vijayawada
Krishna District
3. The Sanitary Inspector,

Municipal Corporation of Vijayawada

Krishna District
4. The Gazetted Food Inspector,

Machiliptanam, Krishna district

5. 2 CD copies

6. 1 CC to MR.A.PRABHAKAR RAO

*Form-NIC-OGS/WP{**TRT**}*